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# YOUR LIVESTOCK CLAIMS

the Packers and Stockyards Act  
can help you recover losses



PA-591

UNITED STATES DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service-Packers and Stockyards Division

Washington, D.C.

THE PACKERS AND STOCKYARDS ACT is a Federal trade practice law that maintains free and competitive marketing of livestock, poultry, and meat by regulating the business practices of those engaged in interstate livestock and poultry marketing and meat packing. The Act guards producers against marketing practices that might deprive them of the fair value of their livestock and poultry, and it protects the meat industry from monopolistic and unfair practices.

Revised August 1963  
Slightly revised August 1966

# **YOUR LIVESTOCK CLAIMS--**

## **The Packers and Stockyards Act Can Help You Recover Losses**

Everyone who buys or sells livestock knows that many things can and do happen to cause financial losses when they are marketing their animals.

But, few realize that the Packers and Stockyards Act provides for assistance in pursuing valid claims to recover such losses.

This booklet tells you how the Packers and Stockyards men can help you in filing your claims for damages which you may have suffered.

### **What the Act Provides**

The Packers and Stockyards Act provides that persons who violate its provisions are liable for the damages suffered by others resulting from livestock transactions which took place in the normal flow of commerce.

It outlines specific steps--called reparation proceedings--whereby claims can be filed for damages caused by market agencies, stockyards, or dealers.

For instance, the Act provides that a stockyard owner, market agency, or dealer is liable for damages suffered by you if he or his authorized agent fails to provide reasonable and just marketing services. . .or, fails to maintain and charge a legal schedule of rates. . .or, fails to establish and follow nondiscriminatory rules and practices.

Likewise, you can recover damages from those guilty of unfair trade practices such as misrepresenting livestock, unjustified failure to pay for livestock, improper handling of livestock, or failure to account properly for livestock.

These are just a few examples, and you should contact your area P&S man for advice if you feel you might have a valid claim.

### **How the P&S Men Can Help**

If you suffer a loss in a livestock transaction, either when buying or selling, generally you will depend first upon your agent at the stockyard to settle any disputes or claims which may arise.

But if you can't settle your claim this way, you can obtain the help of the Packers and Stockyards Division of USDA's Consumer and Marketing Service to investigate the loss. To do this, you should send your complaint to the P&S office covering your area.

## How to File a Complaint

A complaint is simple to file, and no livestock producer should abandon his claim because he feels the "formalities" involved are too difficult.

All you need to remember is that you must file your complaint in writing within 90 days of your loss, giving a full description of the nature of your claim, and the amount of damages you suffered. Then, sign the complaint and send it to the P&S Division office in your area. A list of these offices and the area covered by each may be found on the back cover of this booklet.

A sample reparation form is shown at the end of this booklet to help you in filing your claim.

## Settling the Claim

Packers and Stockyards men are trained livestock marketing specialists and accountants who are familiar with the records and operations of stockyards, market agencies, and dealers. They are experienced in seeking out the facts through careful examination of accounts and records, and interviews with the handlers of livestock.

After the P&S men have obtained the facts, they try to bring the dissenting parties together to discuss what actually happened--often times resulting in settlement of the claim.

Claim settlements can sometimes be reached very quickly when all parties to the disagreement know the true facts. This is referred to as the "informal procedure" for settling claims under the Packers and Stockyards Act.

## 'Formal' Reparation Claims

Unfortunately, all claims filed with the Packers and Stockyards Division can not be settled informally. In some cases, there may be a disagreement as to the facts or legal liability. The claim then becomes a "formal" case--similar to a court action.

In formal complaints, P&S men prepare written reports of their investigations outlining the facts of the transaction in question. Copies of these reports are served on the parties involved. An oral hearing may then be held before a USDA Presiding Officer at the request of the parties. The USDA Judicial Officer studies the complete record in the case. He then makes a determination as to whether the Packers and Stockyards Act has been violated, and the amount of damages--if any--to be paid. If the person ordered to pay you damages fails to do so, you may bring an action in a court of law. The order of the Judicial Officer is recognized as prima facie evidence of the facts in such cases.



## Sample Form

The complaint form appearing on the following two pages has been completed to assist you in preparing your own complaints. Review the front side of the form (left-hand page) carefully, and you will see how simple it is to complete. Instructions and applicable provisions of the law are found on the reverse side of the form (right-hand page).

You can obtain copies of this form from the Packers and Stockyards office in your area. But, don't hold off filing your claim because you "haven't time" to obtain a form--simply send a letter to your P&S office stating you wish to file a complaint, and include the kind of information shown on the sample form.

USDA-C&MS



REPARATION COMPLAINT

John W. Brown	
(NAME AND ADDRESS OF COMPLAINANT)	
R.F.D.#3 - Box 193	
Greenridge, Illinois	COMPLAINANT(S)
Vs.	
Greenridge Livestock Market	
(NAME AND ADDRESS OF RESPONDENT)	
Greenridge, Illinois	
RESPONDENT(S)	

COMPLAINT

The following complaint is submitted pursuant to section 309(a) of the Packers and Stockyards Act, 1921, as amended.

(1) DATE OF TRANSACTION May 4, 1966	(2) NAME AND ADDRESS WHERE TRANSACTION OCCURRED (Stockyard, etc.) Greenridge Livestock Market Greenridge, Illinois
(3) AMOUNT OF REPARATION CLAIMED \$200.00	
(4) STATE BRIEFLY THE FACTS CONCERNING THE TRANSACTION INVOLVED, INCLUDING TERMS OF CONTRACTS OR AGREEMENTS (Attach supporting documentary evidence)	

On May 4, 1966, at 6:00 a.m., Mr. Jack Smith, a trucker, picked up 25 head of fat steers at the Jolly Roger Farm, 16 miles south of Greenridge. The 25 cattle were owned by me and were consigned to the Greenridge Livestock Market to be sold that day for me. Mr. Smith delivered the cattle to the Greenridge Livestock Market at 7:15 a.m. that day. The trucker helped unload the cattle and received a copy of the waybill showing 25 steers had been delivered. Mr. Smith helped drive the steers to pen 306 where there was feed and water. The steers were in good condition when Mr. Smith left the yards at 8:30 a.m. Mr. Smith stated that there were 25 steers in the pen when he left the yards. When I received my papers from the Greenridge Livestock Market in the mail on May 8, 1966, they had only sold 24 head of cattle for me on May 4 and paid me for that number. The sales sheet shows the cattle came from pen 306 in which my cattle had been yarded.

(5) STATE HOW YOU ARRIVED AT AMOUNT CLAIMED, AND ITEMIZE.

One steer 800# at \$25.00 per cwt. . . . . \$200.00

The 24 steers sold by the Greenridge Livestock Market on May 4, 1966, averaged 800# and sold for \$25.00 per cwt., and the steer not accounted for was an average animal.

(6) DATE May 12, 1966	(7) SIGNATURE OF COMPLAINANT(S) /s/ John W. Brown
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If space is insufficient, continue on separate sheet and attach.

(SEE REVERSE FOR INSTRUCTIONS AND INFORMATION)



# INSTRUCTIONS

1. File your complaint within 90 days after the cause of action accrues.
2. Prepare this form in quadruplicate if you name only one respondent. If there is more than one respondent, add a copy for each additional respondent.
3. File your complaint with:

## SECTIONS 308 AND 309 OF THE PACKERS AND STOCKYARDS ACT, 1921, READ IN PART, AS FOLLOWS:

Sec. 308. (a) If any stockyard owner, market agency, or dealer violates any of the provisions of sections 304, 305, 306, or 307, or of any order of the Secretary made under this title, he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

(b) Such liability may be enforced either (1) by complaint to the Secretary as provided in section 309, or (2) by suit in any district court of the United States of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies. (7 U.S.C. 209)

Sec. 309. (a) Any person complaining of anything done or omitted to be done by any stockyard owner, market agency, or dealer (hereinafter in this section referred to as the "defendant") in violation of the provisions of sections 304, 305, 306, or 307, or of an order of the Secretary made under this title, may, at any time within ninety days after the cause of action accrues, apply to the Secretary by petition which shall briefly state the facts, whereupon the complaint thus made shall be forwarded by the Secretary to the defendant, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be specified by the Secretary. If the defendant within the time specified makes reparation for the injury alleged to be done he shall be relieved of liability to the complainant only for the particular violation thus complained of. If the defendant does not satisfy the complaint within the time specified, or there appears to be any reasonable ground for investigating the complaint, it shall be the duty of the Secretary to investigate the matters complained of in

such manner and by such means as he deems proper. . . . (7 U.S.C. 210)

## SECTIONS 304, 305, 306, AND 307 OF SAID ACT READ IN PART, AS FOLLOWS:

Sec. 304. It shall be the duty of every stockyard owner and market agency to furnish upon reasonable request, without discrimination, reasonable stockyard services at such stockyard: . . . (7 U.S.C. 205)

Sec. 305. All rates or charges made for any stockyard services furnished at a stockyard by a stockyard owner or market agency shall be just, reasonable, and nondiscriminatory, and any unjust, unreasonable, or discriminatory rate or charge is prohibited and declared to be unlawful. (7 U.S.C. 206)

Sec. 306. (f) . . . no person shall carry on the business of a stockyard owner or market agency unless the rates and charges for the stockyard services furnished at the stockyard have been filed and published in accordance with this section and the orders of the Secretary made thereunder; nor charge, demand, or collect a greater or less or different compensation for such services than the rates and charges specified in the schedules filed and in effect at the time; nor refund or remit in any manner any portion of the rates or charges so specified . . . nor extend to any person at such stockyard any stockyard services except such as are specified in such schedules. . . . (7 U.S.C. 207)

Sec. 307. It shall be the duty of every stockyard owner and market agency to establish, observe, and enforce just, reasonable, and nondiscriminatory regulations and practices in respect to the furnishing of stockyard services, and every unjust, unreasonable, or discriminatory regulation or practice is prohibited and declared to be unlawful. (7 U.S.C. 208)

## Where to File Your Complaint

Your complaint should be sent to the Packers and Stockyards Division office serving your area. You'll find the address below. It is suggested that you check this list now to find the office covering your area, and put a circle around it so you can locate it easily when you want to write or telephone concerning a complaint requiring attention.

Ariz., Calif., Nev.

Room 405, Wilson Bldg.  
5905 Pacific Blvd.  
Huntington Park, Calif.  
90256

Ill., Wis.

Live Stock Exchange Bldg.  
Union Stock Yards  
Chicago, Ill. 60609

Idaho, Ore., Wash.

208 Live Stock Exchange  
Bldg.  
North Portland, Ore. 97043

Suboffice for Ill., Wis.

Live Stock Exchange Bldg.  
National Stock Yards, Ill.  
62071

Colo., Mont., N. M., Utah, Wyo.

406 Live Stock Exchange  
Bldg.  
Denver, Colo. 80216

Ind., Ky., Mich., Ohio

70 Live Stock Exchange  
Bldg.  
Indianapolis, Ind. 46221

Minn., N. D., S. D.

208 Post Office Bldg.  
South St. Paul, Minn. 55076

Ark., La., Miss., Tenn.

167 North Main Street  
Memphis, Tenn. 38103

Iowa, Neb.

435 Live Stock Exchange  
Bldg.  
Omaha, Neb. 68107

Ala., Fla., Ga., N. C., S. C.

Room 309  
1795 Peachtree Rd., NE  
Atlanta, Ga. 30309

Suboffice for Iowa, Neb.

224 Live Stock Exchange  
Bldg.  
Sioux City, Iowa 51107

Conn., Me., Mass., N.H., N.J.,  
N.Y., Pa., R.I., Vt.

Room 366, Industrial Office  
Bldg.  
1060 Broad Street  
Newark, N.J. 07102

Kan., Mo.

760 Live Stock Exchange  
Bldg.  
Kansas City, Mo. 64102

Del., District of Columbia,  
Md., Va., W. Va.

Okla., Texas

237 Live Stock Exchange  
Bldg.  
Fort Worth, Texas 76106

U.S. Department of Agriculture  
P&S Division Field Office  
Washington, D.C. 20250